



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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5/12/2022 10:41:26 AM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secondary School Activities Commission TITLE-SERIES: 127-01
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Constitution
CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. v. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/13/2022 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Bernie Dolan, Executive Director
ADDRESS: West Virginia Secondary School Activities Commission
2875 Staunton Turnpike, Parkersburg, West Virginia 26104
EMAIL: bernie.dolan@wvssac.org

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

WVSSAC Series 1 establishes the organization and duties of the West Virginia Secondary School Activities Commission.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Amendments are brought forth to keep the WVSSAC current and updated on changes, trends, and issues in the band and athletic programs. Over the past several years, the yearly fees due by WVSSAC constitution have been waived. The Commission believes now is a time to eliminate the dues, but will maintain the authority to reinstate the fees if the need should arise.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There will be no economic impact on revenues of state government as a result of the proposed amendment of 127CSR1, Series 1.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There will be no economic impact on special revenue accounts as a result of the proposed amendment of 127CSR1, Series 1.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There will be no economic impact on the state or its residents as a result of the proposed amendment of 127CSR1, Series 1.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2022 Increase/Decrease (use "-")	2023 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There will be no economic impact on revenues of state government, special revenue accounts, or the state or its residents as a result of the proposed amendment of 127CSR1, Series 1.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Michele L Blatt -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

Series 1, Constitution
Series 2, Athletics, Provisions Governing Eligibility
Series 3, Provisions Governing Contests
Series 5, Band and Other Activities
West Virginia Secondary School Activities Commission (WVSSAC)
Proposed Changes in Rules and Regulations

BACKGROUND

The majority of public and most private schools in West Virginia belong to the WVSSAC. Each year, the principals of member schools submit revisions to the rules and regulations. The submitted proposals are presented and voted upon at the annual Board of Control meeting. Any approved changes are then submitted to the West Virginia Board of Education (WVBE) for its review and approval.

PURPOSE

These amendments are brought forth to keep the WVSSAC current and updated on changes, trends and issues in the band and athletic programs.

These proposals will be submitted to the WVBE for consideration for placement on public comment at the May meeting. The WVSSAC will present comments received during the comment period to the WVBE at the July meeting and recommendation adoption of the rules.

The WVSSAC staff, Constitution and Bylaws Committee, and Board of Control respectfully request that the proposed rule changes to the West Virginia Secondary School Activities Commission Rules and Regulations Handbook be placed on public comment.

CONTENT

Thirty four proposals were submitted by member schools for consideration; twenty nine proposals were approved. Following is a brief description of the proposal and outcome of the vote.

1. Funds 127-1-9 (Vote: Yes-138 No-0 Proposal PASSED)
2. Enrollment and Team Membership 127-2-3.2.c (Vote: Yes-127 No-6 Proposal PASSED)
3. Age 127-2-4 (Vote: Yes-132 No-10 Proposal PASSED)
4. Semester and Season 127-2-5.2 (Vote: Yes-137 No-5 Proposal PASSED)
5. Residence Transfer 127-2-7.1.j (Vote: Yes-136 No-6 Proposal PASSED)
6. Residence Transfer 127-2-7.2.d (Vote: Yes-142 No-0 Proposal PASSED)
7. Residence Transfer 127-2-7.2.f (Vote: Yes-13 No-129 Proposal FAILED)
8. Non-school Participation 127-2-10.1 (Vote: Yes-142 No-0 PASSED)
9. Non-school Participation 127-2-10.2 (Vote: Yes-142 No-0 Proposal PASSED)
10. Non-school Participation 127-2-10.3 (Vote: Yes-142 No-0 Proposal PASSED)
11. Practice 127-2-13.8 (Vote: Yes-142 No-0 Proposal PASSED)
12. All-star Participation 127-3-4.1 (Vote: Yes-142 No-0 Proposal PASSED)
13. Out-of-season Coaching 127-3-7.2 (Vote: Yes-75 No-67 Proposal PASSED)
14. Classification 127-3-10.6 (Vote: Yes-5 No-137 Proposal FAILED)
15. Classification 127-3-10.1 (Vote: Yes-7 No-135 Proposal FAILED)
16. Classification 127-3-10.12 (Vote: Yes-129 No-13 Proposal PASSED)

17. Sunday Contests 127-3-14.1 (Vote: Yes-6 No-136 Proposal FAILED)
18. Sanctioning and Travel 127-3-16.4.a (Vote: Yes-142 No-0 Proposal PASSED)
19. Sanctioning and Travel 127-3-16.5 (Vote: Yes-142 No-0 Proposal PASSED)
20. Season Regulations 127-3-19 through 31(Vote: Yes-142 No-0 Proposal PASSED)
21. Basketball (Boys and Girls) 127-3-20.4.b (Vote: Yes-111 No-31 Proposal PASSED)
22. Basketball (Boys and Girls) 127-3-20.4.a (Vote: Yes-114 No-28 Proposal PASSED)
23. Football 127-3-23.8 (Vote: Yes-7 No-135 Proposal FAILED)
24. Football 127-3-23.9.b (Vote: Yes-142 No-0 Proposal PASSED)
25. Football 127-3-23.9.g (Vote: Yes-136 No-6 Proposal PASSED)
26. Volleyball 127-3-30.10.b (Vote: Yes-142 No-0 Proposal PASSED)
27. Enrollment and Team Membership 127-2-3.11 (Vote: Yes-137 No-5 Proposal PASSED)
28. Coaches 127-3-6.4 (Vote: Yes-142 No-0 Proposal PASSED)
29. Practice 127-2-13 (Vote: Yes-142 No-0 Proposal PASSED)
30. Concussions 127-2-14 (Vote: Yes-142 No-0 Proposal PASSED)
31. Classifications 127-3-10 (Vote: Yes-141 No-1 Proposal PASSED)
32. Sports Rules-Game Protests 127-3-15 (Vote: Yes-142 No-0 Proposal PASSED)
33. Soccer 127-3-25 (Vote: Yes-140 No-2 Proposal PASSED)
34. Robotics 127-5-8 (Vote: Yes-141 No-1 Proposal PASSED)

IMPACT

Instruction

None

Leadership

None

Financial

None

Administrative

None

ATHLETIC ADMINISTRATORS, PRINCIPALS, AND COUNTY SUPERINTENDENTS WILL NEED TO BE AWARE OF THE CHANGES IN ORDER TO ADMINISTER THEIR SCHOOL PROGRAMS IN ACCORDANCE WITH THE CURRENT RULES. THERE IS NO MAJOR CHANGE THAT WOULD IMPACT ADMINISTRATION NEGATIVELY.

**WVSSAC
Rules and Regulations Handbook
2021-22 Proposed Rule Changes**

Proposal 1

Vote: 133-0 Passed

Amend §127-1-9. Funds. (pg. 7-8) as follows:

~~9.1. The annual dues for members of this Commission shall be based upon the student enrollment of the school they represent.~~

~~9.1.a. A \$30.00 flat membership fee for all three- and four-year schools on the first 100 students, or fraction thereof, enrolled in a school.~~

~~9.1.b. After the first 100 students enrolled, the membership will be \$10.00 per 100 additional students, or fraction thereof, up to 1,000 students.~~

~~9.1.c. For each 100 students above 1,000 an additional \$5.00 per 100 students, or fraction thereof, is to be added.~~

~~9.1.d. A combined middle/high school shall pay a flat fee of \$30.00 for grades 7 and 8, and \$10.00 per 100, or fraction thereof, for grades 9, 10, 11, and 12 up to 1,000 students and \$5.00 per 100, or fraction thereof, above 1,000 students.~~

~~9.1.e. A \$30.00 fee is the ceiling for all middle schools/schools without grades 9-12.~~

~~9.1.f. Dues for the year are payable on or before February 1 of each year. Membership in the Commission shall extend from July 1 to June 30 in any year and shall be lapsed if dues are not paid on or before February 15. The enrollment figure to be used to determine the amount of dues shall be the gross enrollment of all students at the close of the second month of the current school year. In case a membership has lapsed, the member school may not be reinstated until the dues for the year of such lapsed membership, plus a penalty of \$25.00 reinstatement fee, have been paid to the Commission.~~

9.2. The Board of Directors may ~~reduce~~ initiate the amount of annual dues of the members for any year.

9.3. The Board of Directors is authorized to levy entry fees and assessments for the conducting of any interscholastic athletic or band activity when the activity is not self-supporting. Fees and assessments from one activity division shall not be used for the support of another.

9.4. The Commission shall determine the expenditures of money, but superseding power is given to the Board of Directors to use funds as are necessary to carry on its work.

9.5. The fiscal year of this Commission extends from July 1 to June 30. All monies ~~paid as dues to the Commission, as well as all monies~~ derived from any contest or other event sponsored by the Commission ~~become quasi-public funds and as such~~ shall be subject to an annual audit by the West Virginia Tax Commissioner. A written summary of the audit shall be a part of the annual report of the Executive Director to the Board of Control.

9.6. In case of dissolution of the WVSSAC, all funds of the Commission shall be prorated equally and distributed to the County Boards of Education or governing bodies of the members of the Commission. Provided, however, that governing boards of those schools that become members of the Commission subsequent to January 1, 1968, shall be entitled to a prorated share of only that portion of the Commission's fund which has been collected, earned, and accumulated between the inception of such membership and the actual dissolution of the Commission.

Alicia Riggleman
Musselman High School

Rationale:

Over the past several years, the yearly fees due by WVSSAC constitution have been waived. The Commission believes now is a time to eliminate the dues, but will maintain the authority to reinstate the fees if the need should arise.

Proposal 2

Vote: 127-0 Passed

Amend §127-2-3.2.c Enrollment and Team Membership. (Pg. 16-17) as follows:

3.2.c. Member schools containing grades 6 and/or 7 and/or 8 may combine students from two or more schools within the county or regional area to form one interscholastic team in a sport. Requests for permission to combine students from two or more schools in the same private/parochial or public school system must be submitted annually to the WVSSAC in writing by the superintendent of the private/parochial or public school system. Schools which are combining to form one team must be feeder schools for the same high school, and at least one school must have sufficient numbers for a team. If more than two schools are involved, principals are to evaluate the number of available participants in each school and shall combine schools to provide as many teams as sufficient

numbers allow. Sufficient numbers will be defined as the number of a starting line-up plus 50% (for odd number line-ups, round up).

Kimberly Collins-Blair
Harts PK-8

Rationale

In 2006, Lincoln County High was built. Two years later, Chapmanville Regional High School was built and given the title "regional" to include students from the Harts area. There was a verbal agreement made then that when Harts students did not have enough student athletes to participate in a sport they would be afforded the opportunity to participate at Chapmanville Middle School (in Logan County) or Guyan Valley Middle School (in Lincoln County). However, this situation was never a problem until the current school year and Harts PK-8 students were not granted the right to participate at CMS. Harts PK-8 is a unique situation. We are on the only area that has a regional high school built for their students across county lines. Harts PK-8 is a feeder school for both LCHS and CRHS. This would not impact other schools and cause an issues because of the rule stating "feeder school". Harts is a high poverty area and transportation is also an issue, geography is the explanation for the choice of Chapmanville for most parents as it is only 10 miles from Harts PK-8.

Proposal 3

Vote: 122-10

Amend §127-2-4 Age. (Pg. 18) as follows:

- 4.1. A student in high school who becomes 19 before ~~August 1~~ July 1 and a student in middle school who becomes 16 before ~~August 1~~ July 1 shall be ineligible for interscholastic competition.
- 4.2. A student in grade 8 or below who becomes 15 before ~~August 1~~ July 1 shall be ineligible for interscholastic competition at that level.
- 4.3. A student in grade 8 or below who becomes 15 on or after ~~August 1~~ July 1 shall remain eligible for the entire academic year at that level.

Mike Kelley
Herbert Hoover High School

Rationale

A change is necessary to SSAC policy 127-2-4. Age. Senate Bill 186 was into law by Governor Justice. This bill changed the age and month cutoff for students enrolling in Pre-k and Kindergarten. The previous law stated that all students seeking enrollment in Kindergarten must turn 5 years old before September 1st of the year in which they intend to enroll. SB 186 changed this cutoff date from September 1st to July 1st in order to give children more time to mature before entering formal public schooling. Current SSAC policy states that students must not turn 19 before August 1st of their senior year in order to be eligible. This policy allowed any student to be retained once during their K-12 career and still retain eligibility. By sticking with the August 1st cutoff date, student-athletes born during the month of July who are retained in any one year during grades K-12 would turn 19 before August 1st of their senior year. These July birthday student athletes should not be singled out and should be eligible to participate at the secondary level despite suffering through a retention. This proposed change will bring 127-2-4 of SSAC policy in line with SB 186.

Proposal 4

Vote 137-8

Amend §127-2-5.2 Semester and Season. (Pg. 18) as follows:

- 5.2. ~~While in grades 6, 7, and 8, a student shall not participate in more than three seasons in any single interscholastic activity. A student may have the privilege to participate in the interscholastic program for three consecutive years (or six consecutive semesters or equivalent) after entering the 6th grade.~~

Jason Marling
Sherrard Middle School

Rationale

This rule will prevent middle school students from having a "red shirt" year prior to entering high school. Some middle school students are choosing to repeat a grade in middle school in an attempt to gain an athletic advantage. This rule will prohibit students from being able to do this. Once a student enters the 6th grade, he/she will have three consecutive years to participate before moving on to high school.

Proposal 5

No Vote because Proposal 4 passed.

Amend §127-2-5 Semester and Season. (Pg. 18) as follows:

5.2. While in grades 6, 7, and 8, a student shall not participate in more than three seasons in any single interscholastic activity, and may only participate in a total of six consecutive semesters once that student enters grade 6.

Alicia Riggelman
Musselman High School

Rationale

The rule change is intended to establish limitations for total semesters of participation, rather than just the current seasonal limitations.

Proposal 6

Vote: 138 - 8 Passed

Amend §127-2-7.1.j Residence Transfer. (Pg. 21) as follows:

7.1.j Any international student enrolling in a member school who does not meet the criteria of 127-2-7.1h shall only be eligible to participate at the junior varsity level in any sport for the duration of the time the student is enrolled.

Steve Wamsley
Tygarts Valley High School

Rationale

This rule clarifies the eligibility status of international students who do not enroll as part of an approved foreign exchange program. This rule will stop schools from recruiting international students to their schools for athletic purposes. Will align with the work that has been done to establish competitive balance among schools.

Proposal 7

Vote 142-0 Passed

Amend §127-2-7.2.d Residence Transfer. (Pg. 21) as follows:

7.2.d. For the purpose of athletic eligibility, the Commission does not recognize emancipated minor status as it relates to transfer, ~~except as might occur in marriage and relocation to another school zone.~~

Meredith Dailer
Wheeling Park High School

Rationale

Marriage should not be an automatic exception. May be other factors to consider. If there are exceptions to be made to this rule, (including marriage) student athlete should be required to file an appeal with the Board of Directors.

Proposal 8

Vote: 13-120 Rejected

Amend §127-2-7.2.f Residence Transfer. (Pg. 22) as follows:

7.2.f. If a student enrolls who has been released and accepted by formal actions of county boards of education or similar governing bodies of a private/parochial school which have verified that such transfer is not for athletic purposes, the student will be granted immediate eligibility provided all other rules are met. The enrollment transfer may only occur once during the students four years of high school (9-12) eligibility must occur at the beginning of the 9th grade academic year with the student enrolled on or before the eleventh instructional day of the beginning of the academic year and provided that the student is residing with the parents. With respect to a student whose parents reside in an attendance zone containing more than one member school, at the time of enrollment in an out of district school at the beginning of the student's 9th grade academic year, the student must identify a "home" school. In the event the student later elects to utilize "transfer back" (§127-2-7.2.g), the student is only eligible to

transfer back to the identified "home" school. Once a student has been a member of a team that has participated in a scrimmage or contest, the student has established eligibility at that school. (Revised 2012-13, 2017-18)

Jason Redman
Nitro High School

Rationale

Currently, parents are forced to make their school choice before having experienced what their home high school has to offer. This change will allow parents to make an informed decision based on their child's experience. Oftentimes schools get an unjust negative reputation from outsiders that influence that parents' school decision.

Proposal 9

Vote: 142-0 Passed

Amend §127-2-10.1 Non-school Participation. (Pg. 24) as follows:

10.1. During ~~the academic year~~ a WVSSAC established sport season and while a member of a school team, a student shall neither participate, which includes, but is not limited to, fund-raising activities, team picture, tryouts, etc., on any formally organized non-school team in the same sport, nor shall the student compete as an individual unattached in non-school formally organized competition in the same sport. The following sports are exempted from the provisions of this rule: cross country, golf, swimming, tennis, track, and wrestling, provided that: (Revised 2011-12)

Shawn Wheeler
Buffalo High School

Rationale

Clarifies when a student athlete is prohibited from participating on a non-school team. The new language makes it very clear when the student is prohibited from participating in both school and non-school teams. With this change, once the season begins as defined by the WVSSAC standardized calendar, students may not be a part of the non-school team under any condition, as outlined in the rule. Will bring consistency for all schools.

Proposal 10

Vote: 142-0 Passed

Amend §127-2-10.3 Non-school Participation. (Pg. 24) as follows:

10.2.e The USA Swimming Junior National Championship

Paul Mihalko
Morgantown High School

Rationale

This is a prestigious national championship level event. Qualifiers advance to the national championship. Very few swimmers in WV will even qualify. May impact one or two swimmers every few years. However, if there is a swimmer who does qualify, he/she should be allowed to participate without penalty.

Proposal 11

Vote 142-0 Passed

Amend §127-2-10.3 Non-school Participation. (Pg. 24) as follows:

10.3. A student who has participated on a non-school team or as an individual unattached in non-school formally organized competition after the ~~beginning practice date of that sport~~ WVSSAC established start date of that sport season will be ineligible for participation on that school team for that season in that particular sport except as provided by §127210.1 and §127-2-10.2.

Shawn Wheeler
Buffalo High School

Rationale

Clarifies when a student athlete is prohibited from participating on a non-school team. With the change, once the season begins as defined by the WVSSAC standardized calendar start date of the season, students may not be a part of the non-school team under any conditions, as outlined in the rule. Will bring consistency for all schools.

Proposal 12

Vote 142-0 Passed

Amend §127-2-13.8 Practice. (Pg. 26) as follows:

13.8. Students participating in a sport(s) in one season must have practiced ~~44~~ 12 separate days, exclusive of the day of a contest, to be eligible to participate in a sport in the next season with the following exception: the student has continued to practice or participate in tournament play without an interruption of school days. The student must complete five separate days of sport specific practice in the second sport.

Constitution and Bylaws

Rationale

Editorial change to align with rule change from 2020-21.

Proposal 13

Vote: 142-0 Passed

Amend §127-3-4.1 All-star Participation. (Pg. 37) as follows:

4.1. Only a graduating senior, or any student completing athletic eligibility at the end of the current academic year because of age or completion of semesters of eligibility, may play in ~~one~~ two All-Star games upon conclusion of each season without loss of athletic eligibility for the balance of that year. (Revised 2019-20)

Kenny Demoss
Parkersburg High School

Rationale

More conferences and organizations are hosting all-star events for student athletes that before. Student athletes should not be penalized or have to choose only one if they are invited to two separate events.

Proposal 14

Vote 75-67 Passed

Amend §127-3-7.2 Out-of-season Coaching. (Pg. 39) as follows:

7.2. School organized out-of-season practice or related activities shall be permitted with principal approval during three consecutive weeks established by each school and approved by each county board of education or by the governing body of a private/parochial school. These three consecutive weeks may begin on or after Monday of Week 49, and must conclude by Friday of Week 4 of the NFHS Standardized Calendar; provided, there will be no out-of-season practice or related activities during the week of July 4th as determined by the NFHS Standardized Calendar (refer to handbook appendix). Participation must be open to all students, voluntary, and not required directly or indirectly for membership on a school team. Participation by students during these weeks does not meet §127-2-13.4.

Cassie Porter
John Marshall High School

Rationale

School districts with more than one high school or middle school can sometimes conflict with each other. In some districts, community events might be more of a factor than other parts of the same district. In our district, our smaller rural high school has a big presence on our county fair and they do not want to conflict with the operation of an important part of the fair.

Proposal 15

Vote 6-137 Rejected

Amend §127-3-10.6 Classification. (Pg. 44) as follows:

Each member high school shall be classified in ~~boys and girls basketball all sports~~ as either AAAA, AAA, AA, or A based on a total score given by the classification model that considers the following factors: enrollment, location and economics. For an explanation of the classification model and how scores are assigned, see Glossary.

Rationale

This will be a more competitive balance formula. This will give 8 more schools that opportunity to be sectional champions and give 8 more schools the experience of competing at States. It will give the host city more revenue from hosting games. Sports are all about the student athlete and this will provide more student athletes with positive lifelong memories.

Proposal 16

Vote: 7-135 Rejected

Amend §127-3-10.1 Classification. (Pg. 43) as follows:

10.1. Excluding Boys basketball, girls basketball, and football, each member high school shall be classified as either AAAA, AAA, AA, or A based on the enrollment figures in grades 9, 10, 11, and 12 at the end of the second school month of the odd numbered year preceding the classification. (Revised 2011-12; 2018-19)

Liberty Raleigh High School

Rationale

To achieve a more competitive balance for West Virginia schools in football. Each high school athlete in the state has the opportunity to compete in postseason play except football. Expanding to four classifications would allow sixteen more football teams, cheer squads, bands, and communities to participate in and enjoy the playoff experience. Also, the financial stimulus to the team, school, and community could cause a radical shift in the athletic competitiveness of your schools' teams'.

<u>Bordering State</u>	<u># of teams in playoff</u>
Pennsylvania	323
Ohio	224
Maryland	182
Virginia	188
Kentucky	188
West Virginia	48

Proposal 17

Vote: 128-13 Passed

Amend §127-3-10.12 Classification. (Pg. 43) as follows:

10.12 The WVSSAC Board of Directors is authorized to grant a waiver to a classification assignment when it determines the rule fails to accomplish the purpose for which it is intended.

Dottie Smith and Eric Cheeseman
Wirt County High School

Rationale

An appeals process would allow for an opportunity for all schools to have a chance at competitive balance. For example, several member schools may have very high poverty rates, very low enrollment, but be located within their county seat. In this instance, the location to their county seat would be the main reason a school is in a higher classification. Having an appeals process would allow the WVSSAC Directors to grant waivers or exceptions for schools in similar situations.

Proposal 18

Vote: 6-138 Rejected

Amend §127-3-14.1 Sunday Contests. (Pg. 46) which also effects rule 127-2-13.3 (Pg. 25) as follows:

127-3-14.1.a Sunday Practice-Teams may conduct a practice on Sunday between 2:00 pm and 6:00 pm provided that there is a game scheduled on the following Monday, the practice length does not exceed two hours, it is not the seventh consecutive practice/game.

Mike Kelley
Herbert Hoover High School

Rationale

Oftentimes coaches are hesitant to schedule Monday games due to the fact that they do not have practice the day before. Limiting the number of consecutive practice/game will guarantee that student athletes have a day off.

Proposal 19

Vote 142-0 Passed

Amend §127-3-16.4.a Sanctioning and Travel. (Pg. 47) as follows:

16.4. Bordering state events requiring approval are:

16.4.a. Any interstate event in which four or more schools participate (All schools from ~~neighboring~~ bordering states.) and at least one of the states participating requires sanctioning.

Tom Adkins
Princeton High School

Rationale

This rule will enable WVSSAC member schools to be able to compete against bordering state schools that require sanctioning. Currently, Virginia, Maryland, and Pennsylvania require sanctioning. This rule will allow our member schools to continue to compete against schools in those states.

Proposal 20

Vote 142-0 Passed

Amend §127-3-16.5 Sanctioning and Travel. (Pg. 47) as follows:

~~16.5. Intrastate events requiring approval are:~~

~~16.5.a. An event with more than four schools participating; or~~

~~16.5.b. Any event where awards are given.~~

Tom Adkins
Princeton High School

Rationale

WVSSAC Rule 127-3-12 (Legal Opponents) clearly defines a legal opponent for member schools. This sanctioning rule creates unnecessary paperwork for school administrators as well as WVSSAC office staff. As long as schools follow 127-3-12 (Legal Opponents), there is no need for this rule.

Proposal 21

Vote 142-0 Passed

Amend §127-3-18 through 31 Season Regulations. (Pg. 48-59) as follows:

§127-3-19. Baseball.

19.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. ~~(Effective September 13, 2021)~~

§127-3-20. Basketball (Boys and Girls).

20.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. ~~(Effective September 13, 2021)~~

§127-3-21. Cheerleading.

21.4. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. ~~(Effective September 13, 2021)~~

§127-3-22. Cross Country (Boys and Girls).

22.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. ~~(Effective September 13, 2021)~~

§127-3-23. Football.

23.2.b. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. ~~(Effective September 13, 2021)~~

§127-3-25. Soccer (Boys and Girls).

25.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. ~~(Effective September 13, 2021)~~

§127-3-26. Softball.

26.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

§127-3-27. Swimming (Boys and Girls).

27.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

§127-3-28. Tennis (Boys and Girls).

28.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

§127-3-29. Track and Field (Boys and Girls).

29.7. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

§127-3-30. Volleyball (Girls).

30.7. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

§127-3-31. Wrestling (Boys).

31.6. Individual students of a team must have practiced on ~~44~~ 12 separate days, exclusive of the day of a contest, before participating in an interscholastic contest. (Effective September 13, 2021)

Constitution and Bylaws

Rationale

Need to change to 12 required practices in each specific sport rule to align with rule change made last year. This will also change in Secretary of State's copy.

Proposal 22

No Vote

Amend §127-3-19.9.a Baseball. (Pg. 48) as follows:

19.9.a. Middle school teams may play ~~48~~ 20 games including tournaments sanctioned by the WVSSAC.

Brian Atkinson
Logan Middle School

Rationale

High School baseball is allowed 32 games exclusive of sectional, regional, and state tournament contests. In Middle school, we are currently only allowed 18 games including conference tournaments. That is a wide disparity in number of allowed contests that isn't seen in any other sport. We are asking to increase this amount of games to 20 in order to better prepare athletes for the endurance required to complete a High school season.

Proposal 23

No Vote

Amend 127-3-26.9a Softball (Pg. 55) as follows:

26.9.a Middle school teams may play ~~48~~ 20 games including tournaments sanctioned by the WVSSAC.

Rationale

High School softball is allowed 32 games exclusive of sectional, regional, and state tournament contests. In Middle school, we are currently only allowed 18 games including conference tournaments. That is a wide disparity in number of allowed contests that isn't seen in any other sport. We are asking to increase this amount of games to 20 in order to better prepare athletes for the endurance required to complete a high school season.

Brian Atkinson
Logan Middle School

Proposal 24

Vote 111-31 Passed

Amend §127-3-20.4.b Basketball (Boys and Girls). (Pg. 49) as follows:

20.4.b. A student can play only ~~five~~ six quarters in one day.

Lori Barnhart
St. Marys High School

Rationale

1. Many players, especially girls' programs in small schools do not have enough to play a junior varsity contest with only 5 quarters allowed. Several schools have canceled or limited junior varsity to 2 quarters.
2. Many high school players play travel type AAU ball that have them playing multiple games in one day. We believe last year players were allowed to play on high school and travel programs due to Covid-19 and no major injuries seemed to occur.
3. Administratively, many small schools financially lose out without extra parents from junior varsity support. Additionally, they incur the costs of officials the same whether they play a two quarter contest or a full game.
4. The participation and development, this extra quarter will allow, lets the more inexperienced players have a game to play in and remain interested. Thus, helping to prevent even further loss of numbers by inexperienced players leaving because they sit on the bench for all varsity games or get limited opportunities.

Proposal 25

Vote 114-28 Passed

Amend §127-3-20 Basketball (Boys and Girls). (Pg. 49) as follows:

20.4.a. The maximum number of quarters for a student in one season is ~~440~~ 132 exclusive of sectional, regional, and state tournament contests.

Lori Barnhart
St. Marys High School

Rationale

1. This change would only be requested if 20.4.b is amended per our proposal, so that this reflects 22 contest dates with 6 quarters in a day.
2. Again, this is an effort to maintain participation in smaller schools that have reducing enrollment and may face eliminating junior varsity programs, otherwise.

Proposal 26

Vote: 7-136 Rejected

Amend §127-3-23.8 Football. (Pg. 51) as follows:

23.8. The Board of Directors ~~is authorized to~~ shall adopt a point rating system and overall procedure for determining a state champion in each class that includes all member schools in the playoffs.

David Decker
Lincoln High School

Rationale

Football is the only sport the WVSSAC restricts participation in the post season championships tournament. All schools should be able to have the opportunity to participate in the championship tournament.

Proposal 27

Vote: 142-0 Passed

Amend §127-3-23.9.b Football. (Pg. 52) as follows:

23.9.b. The following table establishes ~~the first date for organized practice, the first date pads with no live contact, the first date for live contact,~~ for middle school the equipment/contact level, earliest date for a scrimmage, the date for first game contest and the date season must be completed.

	First Date	Pads No	Contact		Earliest	Date Season
	Organized	Live	Allowed	Date For	For First	Must Be
Year	Practice	Contact	Full Equip.	Scrimmage	Game	Completed
2021	Aug. 9	Aug. 16	Aug. 19	Aug. 23	Week 9	Oct. 30
2022	Aug. 8	Aug. 15	Aug. 18	Aug. 22	Week 9	Oct. 29
2023	Aug. 7	Aug. 14	Aug. 17	Aug. 21	Week 9	Oct. 28
2024	Aug. 12	Aug. 19	Aug. 22	Aug. 26	Week 9	Nov. 2
2025	Aug. 11	Aug. 18	Aug. 21	Aug. 25	Week 9	Nov. 1

Year	First Date Organized Practice-Helmets Only No Contact	First Date Helmet & Shoulder Pads. Soft equipment contact-Bag, shields, sleds, tackling wheel, etc.	Full Pads Soft Equipment Contact-Bag, shields, sleds, tackling wheel, etc.	Full Pads Full Contact	Earliest Scrimmage	First Contest	Date Season must be completed
2022	Aug. 8,9,& 10	Aug. 11,12, & 13	Aug. 15 & 16	Aug. 17,18,19,& 20	Aug. 22	Aug. 29	Oct. 29
2023	Aug. 7,8,& 9	Aug. 10,11, & 12	Aug. 14 & 15	Aug. 16,17,18,& 19	Aug. 21	Aug. 28	Oct. 28
2024	Aug 12,13, & 14	Aug. 15, 16,& 17	Aug. 19 & 20	Aug. 21,22,23 & 24	Aug. 26	Sept. 2	Nov. 2
2025	Aug. 11,12,& 13	Aug. 14,15, & 16	Aug. 18 & 19	Aug. 20, 21,22 & 23	Aug. 25	Sept. 1	Nov. 1

Patrick McGregor
Moorefield High School

Rationale

The reason for this proposal is to prepare our athletes to be safer within the limitations of practice and within sport specific movements especially tackling. This process will still afford each program a smooth and safe transition through the beginning of the season practice days. The progression will give programs a chance to teach the basics of tackling and blocking while utilizing the abundance of drills that involve soft equipment. We also believe that this type of change will drastically decrease the number of infractions related to utilizing body to body contact, or the use of soft equipment too early in the acclimation period.

Proposal 28

Vote: 138-6 Rejected

Amend §127-3-23.9.g Football. (Pg. 53) as follows:

23.9.g. Middle school football teams ~~may~~ shall play overtime periods in regular season games. ~~In season ending championship games, a tie breaking procedure shall be established and used if at the end of two overtime periods, the score remains tied. A maximum of two overtime periods~~ Overtime periods will be played until a winner is determined ~~are permitted~~ in accordance with the NFHS Football Rules "20 yard line overtime procedure."

Jeff Kisner
Jackson Middle School

Rationale

Eliminating the tie in regular season games allows better seeding in leagues at the middle school level. Ultimately, it eliminates the possibility of ending a championship game with a tie for the year. For example, in our league, if the #4 seeded team and the #1 seeded team play in the championship game and it would end in a tie. The #1 seed would win the league, even though the #4 seed played right with them the entire game.

Proposal 29

Vote: 142-0 Passed

Amend §127-3-30.10.b Volleyball (Girls). (Pg. 58) as follows:

30.10.b. Organized team practice will begin on Monday of Week 7 and the first contest may be played on Wednesday of Week 40 ~~9~~.

Constitution and Bylaws

Rationale

This rule was changed last year, but the middle school week was not changed. Need to change to be consistent with rule change. Editorial change.

Proposal 30

Vote 137-5 Passed

Amend 127-2-3.11 Enrollment and Team Membership (pg. 18) as follows:

3.11 ~~A~~ Homeschool students receiving home instruction pursuant to W.Va Code 18-8-1(c), shall be considered eligible for participating in interscholastic athletic events and other extracurricular activities of public secondary school serving the attendance zone in which the student lives or as allowed by 127-2-7.2.f and 127-2-7.2.h who (1) has been homeschooled for at least one year immediately preceding interscholastic athletic participation; (2) has demonstrated satisfactory evidence of academic progress for the immediately preceding academic year; (3) is enrolled in at least one virtual instructional course per semester, consistent with the applicable virtual instruction policy of the county board in which the home schooled student lives and the applicable virtual instruction policy of the State Board of Education; and (4) is otherwise eligible to participate as a result of being subject to all other eligibility rules applicable to a non- homeschooled student.

Constitution and Bylaws

Rationale:

This provides homeschooled students the same opportunity as non-homeschooled students the ability to choose a one time out of district school in the 9th grade.

Proposal 31

Vote: 142-0 Passed

Amend 127-3-6.4.b and c. Coaches (P. 39) as follows:

6.4.b The coach has successfully completed WVSSAC approved training: ~~NFHS~~ Sport Science, Sports First Aid, and the WV Component (14 hours of instruction and test) and has received WVDE authorization.

6.4.c ~~The authorized certified coach may be contracted to coach only if an employed certified professional educator within the county has not applied and accepted the coaching position.~~

Constitution and Bylaws

Rationale:

Policy 5202 no longer requires a certified educator to have priority over an authorized certified coach. This change will align WVSSAC policy with WVDE policy.

Proposal 32

Vote: 142-0 Passed

Amend Rule 127-2-13 Practice (P. 25) as follows:

13.4.c ...must have the required 44-12 separate practice days...

13.7 If a student has established eligibility in a sport requiring 44-12 separate days of practice...

13.8 Students participating in a sport in one season must have practiced 44-12 separate days...

Constitution and Bylaws

Rationale: Editorial changes to rule that was passed last year. Clean up of other rules to make consistent.

Proposal 33

Vote: 142-0 Passed

Amend Rule 127-2-14 Concussions (P.27) as follows:

14.5 Member schools must submit Part I of the concussion report form to the WVSSAC within 7 days and Part II within 30 days.

Constitution and Bylaws

Rationale: Need to change language to be consistent with requirements for schools.

Proposal 34

Vote: 141-1 Passed

Amend Rule 127-3-10 Classification (P.44) as follows:

10.8 A school may choose to compete in WVSSAC tournaments in one class above its classification in boys and girls basketball providing proper notification is made to the WVSSAC prior to April 1 of a new classification year. Approval of this option will be for a two year period ~~and will be in effect for individual sports by the school.~~

Constitution and Bylaws

Rationale:

This rule only applies to boys and girls basketball, not other sports in the school. This is a clean- up of language/editorial change to the rule.

Proposal 35

Vote: 142-0 Passed

Amend Rule 127-3-15 Sports Rules-Game Game Protests (P. 46) as follows:

15.3 Contests ~~or ejections~~ shall not be protested. Accordingly, the Board of Directors is not authorized to order contests replayed ~~or ejections reconsidered.~~

Constitution and Bylaws

Rationale:

Old language that needs to be deleted. The Executive Director is authorized to reconsider ejections.

Proposal 36

Vote: 140-2 Passed

Amend Rule 127-3-25 Soccer (P. 54) as follows:

25.2 Organized Team Practice: Organized team practice will begin on Monday of Week 5 and the first contest may be played on ~~Friday~~ Wednesday of Week 7.

Constitution and Bylaws

Rationale: This change was a unanimous recommendation from the Soccer Coach Committee. Allows more days to schedule games.

Proposal 37

Vote: 141-1 Passed

Amend 127CSR5

Constitution and Bylaws

Rationale:

Robotics has been approved by the WVSSAC Board of Directors as a sanctioned activity. Language needs to be added to provide consistency of application for all participating schools. Rules and regulations will be developed and available on the WVSSAC website.

127CSR1

**TITLE 127
LEGISLATIVE RULE
WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION**

**SERIES 1
CONSTITUTION**

§127-1-1. General.

1.1. Scope. -- These rules establish the organization and duties of the West Virginia Secondary School Activities Commission.

1.2. Authority. -- W. Va. Constitution, Article XII, §2, and W. Va. Code §§18-2-5, 18-2-25, 18-2-25a, and 18-2-25b.

1.3. Filing Date. -- ~~July 11, 2019.~~

1.4. Effective Date. -- ~~September 9, 2019.~~

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 127CSR1, West Virginia Secondary School Activities Commission Series 1, Constitution, filed ~~August 10, 2018~~ July 11, 2019, and effective ~~October 9, 2018~~ September 9, 2019.

§127-1-2. Name.

2.1. The name of this organization shall be the West Virginia Secondary School Activities Commission (WVSSAC/Commission), a voluntary organization. Extracurricular activities of the students in the public secondary schools are controlled pursuant to W. Va. Code §18-2-25, and authority for the delegation of such control to the Commission is granted by statute.

§127-1-3. Goals.

3.1. This Commission, through the employment of the instrumentalities hereinafter established, shall supervise and control interscholastic athletics and band activities among member schools.

3.2. In the performance of these functions it shall be the aim of the Commission:

3.2.a. To stress the cultural values, appreciations, and skills involved in these interscholastic activities, and to promote cooperation and friendship;

3.2.b. To limit these interscholastic activities in both character and quantity so that these activities and events may be looked upon as promoting the objectives of secondary education, and as such shall not interfere with nor abridge the regular program of teachers and students in the performance of their duties;

3.2.c. To encourage economy in expenses of these interscholastic activities;

3.2.d. To discourage long trips for interscholastic activities; and

3.2.e. To establish minimum standards of conduct for both active and spectator participants, coaches, and all other school personnel at all interscholastic activities approved, sponsored, or controlled by this Commission.

§127-1-4. Membership.

4.1. The WVSSAC shall be composed of the principals or designee, of those public or private secondary schools which have certified in writing to the State Superintendent of Schools of West Virginia (State Superintendent) that they have elected to delegate the control, supervision, and regulation of their interscholastic athletic and band activities.

4.2. Membership in the Commission shall be predicated upon accepting the following conditions:

4.2.a. The principal or designee is and shall be the sole representative of the school in all matters pertaining to the constitution, bylaws, rules and regulations of the Commission;

4.2.b. The principal or designee is and shall be responsible for conducting interscholastic athletic and band activities of the school in accordance with the constitution, bylaws, rules and regulations of the Commission which have been adopted by the Board of Control of the Commission for the governing of such activities;

4.2.c. Pay the annual dues charged by the Commission;

4.2.d. The principal or designee shall file a statement with the Executive Director of the Commission agreeing to abide by and support the constitution and the rules and regulations of the Commission.

4.2.e. A member school must sponsor one sport per gender during each season - fall, winter, and spring. Schools having membership prior to the 2007-2008 school year are exempt from this provision.

4.2.f. At the annual meeting of the Board of Control, the Executive Director shall announce the names of the principals whose schools have become new members.

4.2.f.1. A middle school shall be a school so designated and approved by the West Virginia Department of Education.

4.2.f.2. A senior high school consists of grades 9, 10, 11, and 12, established by law, and so designated and approved by the West Virginia Department of Education (WVDE).

4.2.g. The first year of membership will be a probationary year with the school not being allowed participation in WVSSAC sponsored tournaments.

4.2.h. A one-time membership fee of \$1,500.00 will be afforded senior high schools, \$500.00 to middle schools, or \$2,000.00 to combined middle/senior high schools.

4.2.i. Public schools seeking membership that are created as a result of consolidation or splitting

of existing member schools shall be exempt from the provisions in subsection 4.2.g.

4.3. A school, through its principal, coach, or other official, is not permitted to enter into an agreement with any other school to waive the standards of eligibility of students or waive or change any other requirement established in these regulations.

4.4. Any member violating the regulations of this Commission and refusing to abide by the decision of the Board of Directors or the Review Board shall be subject to the penalties hereinafter set forth. (See §127-6-2 of these regulations.)

§127-1-5. Administration.

5.1. The administration of the WVSSAC shall be vested in the secondary school principal and who shall constitute a Board of Control. The Board of Control shall determine the regulation of interscholastic athletic and band activities among the schools represented by the members of the Commission and shall have charge of all Commission funds, and in order to expedite the regulations of activities shall delegate and assign to the Board of Directors hereinafter constituted, and the Executive Director, hereinafter constituted, and working through the Board of Directors, authority to interpret and enforce these regulations. The Board of Control shall delegate and assign to the Board of Trustees, hereinafter constituted, the power and authority to hold title to and manage the property owned by the Commission. These regulations of the Commission shall be the articles, rules, explanations, and interpretations which have been voted upon and approved by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission. Fifty members shall constitute a quorum for the transaction of all business at the annual meeting and approval is by a majority vote of the members of the Board of Control present and voting at the annual meeting of the Commission.

5.2. At the annual or called meetings of the Board of Control of the WVSSAC each member shall have one vote on each question or proposition under consideration. A member may appoint, by a written statement to the president of the Commission, the assistant principal or other member of the faculty to represent the school at meetings of the Board of Control, but no such appointment shall absolve the member of responsibility as defined in these regulations.

5.3. The Board of Control of the WVSSAC shall, at its annual meetings, elect officers of the Commission and define their duties as provided in §127-1-6 of these regulations. The officers so elected shall be members of the Board of Directors of the WVSSAC with the powers and duties assigned to it by §127-1-8 of the regulations of the Commission. The Board of Directors shall be the executive body of the Commission and shall administer the regulations of the Commission. Further, the Board of Directors shall enforce the provisions of these regulations through the application of penalties provided under §127-6-2 of these regulations. Adjudication of disagreements and disputes among members of the Commission shall be one of the chief duties of the Board of Directors. Such adjudication may, however, be appealed to the Review Board.

5.4. The Board of Control of the WVSSAC shall delegate to the Board of Directors, hereinafter constituted, the authority to define, devise, and/or create five administrative districts in the State of West Virginia:

5.4.a. Effective July 1, 1971, and until such time as it is necessary to change the boundaries of such districts, the five administrative districts shall be as follows:

5.4.a.1. First District: Brooke, Calhoun, Doddridge, Gilmer, Hancock, Harrison, Marion, Marshall, Ohio, Taylor, Tyler, and Wetzel.

5.4.a.2. Second District: Barbour, Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Tucker, and Upshur.

5.4.a.3. Third District: Boone, Braxton, Clay, Kanawha, Lewis, Nicholas, Putnam, and Roane.

5.4.a.4. Fourth District: Cabell, Jackson, Lincoln, Logan, Mason, Pleasants, Ritchie, Wayne, Wirt, and Wood.

5.4.a.5. Fifth District: Fayette, Greenbrier, Mercer, Mingo, McDowell, Monroe, Pocahontas, Raleigh, Summers, Webster, and Wyoming.

5.4.b. Any change in the boundaries of the administrative districts adopted by the Board of Directors shall be submitted for approval to the Board of Control at the annual meeting. Any change requires two thirds affirmative vote of the members present and voting at the annual Board of Control meeting.

5.4.c. Any adopted and approved changes in the boundaries of the administrative districts shall not be cause for reducing the length of the regular term of office of an incumbent officer member.

§127-1-6. Officers and Duties.

6.1. There shall be five elected officer-members of the WVSSAC, each of whom shall be a principal of a secondary school in West Virginia.

6.1.a. The elected officer-members shall constitute the Board of Directors of the WVSSAC.

6.1.b. One officer-member shall be elected to a regular term each year at the annual meeting of the Commission. The runner-up candidate in each election shall be declared the alternate-officer-member and shall serve any portion of the officer-member's unexpired term which may occur. If the alternate-officer-member is not thus determined, then a separate election shall be held to do so. Both the officer-member and alternate-officer-member shall be from the same administrative district.

6.1.c. The regular term of an elected officer-member shall be a period of five years and the term shall begin on Monday of Week 40 of the NFHS Calendar, following the member's election.

6.1.d. An elected officer-member shall be eligible to serve two regular five year terms in succession. Upon completion of the two successive terms, a former officer-member shall not be appointed to, nor elected to fill, a vacancy of an unexpired term during the five year period immediately following the expiration of a regular term. Serving more than one half of an unexpired five year term shall constitute one of the two permitted successive terms.

6.1.e. The election shall be by ballot when more than one candidate from the same administrative district is nominated for officer-member. When more than two candidates from the same administrative district are nominated for officer-member, the balloting shall continue until one candidate receives a

majority of the votes cast. The candidate with the least number of votes on each ballot shall be dropped from each subsequent ballot.

6.1.f. At the first meeting of the Board of Directors following the close of the annual meeting of the Commission, the Board of Directors shall elect one of its officer members to serve as president and one to serve as vice president.

6.2. Two or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as officer-members simultaneously.

6.3. The term of an officer-member shall end immediately upon their agreement to accept a position that would make them ineligible to hold office in this Commission. However, in the event that a director ceases to meet the qualifications for their position but remains in good standing in the last year of their term, such director shall be given the option to remain in their position for the remainder of the assigned term. The vacancy would then be filled at the next annual Board of Control meeting.

6.4. The annual honorarium of each of the officer-members shall be \$500.00.

6.5. The Executive Director shall act as treasurer, and shall pay out monies from the funds belonging to this Commission in payment of bills only upon order of the president.

6.6. The president shall furnish bond in the amount of \$20,000. The Executive Director shall furnish bond in the amount of \$100,000. The premium for both of these bonds shall be paid by the Commission.

6.7. The Board of Directors may submit questions for discussion and ascertain sentiment of the schools by means of questionnaires. No vote to alter these regulations shall be taken except at the annual meeting of the Commission, except that the Board of Directors may, in case of emergency, with the consent of the Board of Directors, enact and adopt all necessary rules and regulations, whether by deletion, amendment, revision, or addition, and which emergency rules and regulations shall be filed with the Secretary of State and thereafter submitted at the next annual meeting of the Commission for formal adoption or rejection.

§127-1-7. Meetings.

7.1. The annual meeting of the WVSSAC shall be planned by the Executive Director and the Board of Directors of the Commission.

7.2. Special meetings may be called by order of the president of the Commission. Fifty principals constitute a quorum to transact business.

§127-1-8. Board of Directors.

8.1. The Board of Directors shall have authority to administer the regulations of the WVSSAC.

8.2. The State Superintendent or representative designee, a representative from the West Virginia Board of Education (WVBE), a representative selected by the West Virginia School Boards Association, a representative selected by the West Virginia School Administrators Association, and a representative selected by the West Virginia Athletic Directors Association, shall serve as appointive members of the

Board of Directors. These members shall be accorded full voting privileges but shall be ineligible to be elected or to serve as an officer of WVSSAC.

8.2.a. The president of the West Virginia Association of Secondary School Principals (WVASSP) shall serve as an ex-officio member of the Board of Directors. However, serving the one year term as an ex-officio member shall not render that member ineligible to be elected to a regular five year term as an officer-member provided they are otherwise eligible.

8.3. The Board of Directors shall have authority to appoint an Executive Director, except as hereinafter provided, and such additional assistance as may be necessary to assure efficient functioning of the work of the WVSSAC. Furthermore, the Board of Directors shall have authority to fix and pay salaries to the Executive Director and to other personnel appointed to assist the Executive Director. The Board of Directors shall also have authority to devise a plan of retirement benefits for the Executive Director and other full-time personnel appointed to assist the Executive Director.

8.3.a. At least one of the personnel appointed to assist the Executive Director shall have the status of Assistant Executive Director. The appointment of the Assistant Executive Director shall be made by the Board of Directors only upon the nomination and recommendation by the Executive Director. In case the Board of Directors fails to appoint the person nominated, the Executive Director shall nominate and recommend another person and submit the name to the Board of Directors at such time as the Board may direct. The length of the contract term of office of the Assistant Executive Director shall be the same as that prescribed for the Executive Director in §127-1-11.1-11.2 of these regulations. No Assistant Executive Director shall be removed during the contract term of office except for just and reasonable cause as prescribed in §127-1-11.3.

8.3.b. All other personnel to assist the Executive Director shall be recommended by the Executive Director before being considered for employment by the Board of Directors.

8.3.c. The Board of Directors will annually evaluate the performance of the Executive Director. It shall be the responsibility of the Executive Director to evaluate Assistant Executive Directors. The Executive Director must submit a list of areas of concern to be addressed. From that list, a plan of improvement would be implemented by the Executive Director. Failure on the part of the Assistant Executive Director and other personnel to comply with the plan of improvement could result in disciplinary action up to and including dismissal.

8.4. The Board of Directors shall have power of appointment to fill vacancies in its membership until the vacancies are filled regularly at the next annual meeting of the Commission.

8.5. The Board of Directors shall have power to decide all cases of eligibility of students and participants in interscholastic athletic and band activities. The Board may also exercise discretionary powers it may deem necessary for the furtherance of education and interscholastic athletic and band activities in the secondary schools of West Virginia.

8.6. The Board of Directors shall appoint Deputy Board Members who will serve at the will and pleasure of the Board of Directors.

8.7. At the request of the Board of Directors, a Deputy Board Member may investigate matters of eligibility and other violations of the rules and regulations of the WVSSAC. The Deputy Board Member

shall submit to the Board of Directors a written report of findings and recommendations for disposition of the case(s).

8.8. The Board of Directors shall have the power to investigate through the Deputy Board Member, or in such other manner as may be found advisable, matters of eligibility and other violations of rules when the Board deems it advisable to do so on the basis of information furnished, even though a formal protest is not filed.

8.9. The Board of Directors shall divide the state into regions and sections for the purpose of administration and for tournaments or meets of any interscholastic athletic or band activity.

8.10. The Board of Directors shall hold hearings and render decisions in all contested cases.

8.11. Five (5) officer-members present and eligible to vote at any meeting of the Board of Directors shall constitute a quorum to transact all business.

8.12. The minutes of regular and special meetings of the Board of Directors shall be submitted to principals of all member schools.

§127-1-9. Funds.

~~9.1. The annual dues for members of this Commission shall be based upon the student enrollment of the school they represent.~~

~~9.1.a. A \$30.00 flat membership fee for all three and four year schools on the first 100 students, or fraction thereof, enrolled in a school.~~

~~9.1.b. After the first 100 students enrolled, the membership will be \$10.00 per 100 additional students, or fraction thereof, up to 1,000 students.~~

~~9.1.c. For each 100 students above 1,000 an additional \$5.00 per 100 students, or fraction thereof, is to be added.~~

~~9.1.d. A combined middle/high school shall pay a flat fee of \$30.00 for grades 7 and 8, and \$10.00 per 100, or fraction thereof, for grades 9, 10, 11, and 12 up to 1,000 students and \$5.00 per 100, or fraction thereof, above 1,000 students.~~

~~9.1.e. A \$30.00 fee is the ceiling for all middle schools/schools without grades 9-12.~~

~~9.1.f. Dues for the year are payable on or before February 1 of each year. Membership in the Commission shall extend from July 1 to June 30 in any year and shall be lapsed if dues are not paid on or before February 15. The enrollment figure to be used to determine the amount of dues shall be the gross enrollment of all students at the close of the second month of the current school year. In case a membership has lapsed, the member school may not be reinstated until the dues for the year of such lapsed membership, plus a penalty of \$25.00 reinstatement fee, have been paid to the Commission.~~

9.21. The Board of Directors may ~~reduce~~ initiate the amount of annual dues of the members for any year.

9.32. The Board of Directors is authorized to levy entry fees and assessments for the conducting of any interscholastic athletic or band activity when the activity is not self-supporting. Fees and assessments from one activity division shall not be used for the support of another.

9.43. The Commission shall determine the expenditures of money, but superseding power is given to the Board of Directors to use funds as are necessary to carry on its work.

9.54. The fiscal year of this Commission extends from July 1 to June 30. All monies ~~paid as dues to the Commission, as well as all monies~~ derived from any contest or other event sponsored by the Commission ~~become quasi-public funds and as such~~ shall be subject to an annual audit by the West Virginia Tax Commissioner. A written summary of the audit shall be a part of the annual report of the Executive Director to the Board of Control.

9.65. In case of dissolution of the WVSSAC, all funds of the Commission shall be prorated equally and distributed to the County Boards of Education or governing bodies of the members of the Commission. Provided, however, that governing boards of those schools that become members of the Commission subsequent to January 1, 1968, shall be entitled to a prorated share of only that portion of the Commission's fund which has been collected, earned, and accumulated between the inception of such membership and the actual dissolution of the Commission.

§127-1-10. Amendments.

10.1. The articles, bylaws, rules and regulations of the WVSSAC may be amended as provided in this section.

10.2. A Constitution and Bylaws Committee, consisting of five members of the Commission, shall be appointed by and shall serve at the will and pleasure of the Board of Directors. The Board of Directors shall designate one of the members so appointed to serve as the chairman of such committee.

10.3. The Board of Directors shall give due consideration to maintaining a balance of representation by programmatic level as defined in §127-1-4.2 of this regulation when making new appointments to the Constitution and Bylaws Committee. However, an incumbent member of the committee shall not be ruled ineligible to continue to serve on the committee solely because they become principal of a secondary school different from that from which they were originally appointed.

10.4. It shall be the function and purpose of the Constitution and Bylaws Committee to provide continuity and cohesion in the rules and regulations governing the interscholastic athletic and band activity programs in West Virginia. Further, it shall be the function and purpose of the Constitution and Bylaws Committee to address what it considers, as needed, interim constitutional rule changes for possible Board of Directors' consideration.

10.5. Expenses for authorized meetings of the Constitution and Bylaws Committee shall be defrayed from the funds of the WVSSAC.

10.6. Proposed changes to these regulations may be submitted by any member of the WVSSAC. Such proposed changes, whether by revision, addition or deletion, shall be postmarked or received by the WVSSAC office by January 15 of each year in order to permit the Constitution and Bylaws Committee to

study such proposed changes and to submit them, by mail, to the membership 30 days prior to the annual meeting of the Commission.

10.7. At the annual meeting of the WVSSAC each proposed change received by the Constitution and Bylaws Committee, and those interim emergency rules and regulations enacted by the Committee, shall be presented to the membership of the Commission for discussion and formal adoption or rejection. The Committee may accompany each presentment with an explanation of the effect of the proposed change upon present rules and objectives of the Commission. The Committee may also recommend adoption or rejection of the proposal along with the Committee numerical vote for the recommendation.

10.8. The president of the Commission shall appoint a parliamentarian to serve at the meetings of the Commission to decide questions of procedure during the meetings. Roberts Rules of Order shall be followed in conducting the annual meeting and all other meetings.

10.9. An amendment to the regulations of the WVSSAC shall become effective following the annual meeting at which such amendment was adopted and such adoption is formally approved by the WVBE in accordance with W. Va. Code and such other rules and regulations promulgated by the WVBE.

10.10. Nothing in these regulations shall be construed as limiting or in any way affecting the validity of emergency rules and regulations which have been duly approved by the Board of Directors in accordance with §127-1-6.7 of this regulation. Emergency rules and regulations will be effective upon the date they are filed with the Secretary of State of State of West Virginia and remain in effect until the next meeting of the Commission.

§127-1-11. Executive Director.

11.1. The Board of Directors shall employ the Executive Director and Assistant Executive Director. At the discretion of the Board of Directors these positions will be given from one year to four year contracts. These contracts may be renegotiated prior to expiration. If a new contract is not to be negotiated, individuals in these positions will be notified in writing six months prior to the end of the contract period. A letter to this effect shall be sent to the President of the WVASSP.

11.2. If a vacancy occurs in the office of the Executive Director or Assistant Executive Director position during any contract period, the Board of Directors shall fill such vacancy. The exception will be that if a person serving as a Board of Directors member or one who has served in that capacity within the preceding one year prior to the vacancy becomes a candidate for one of the positions, the authority to fill the vacancy of the position shall be vested in the Constitution and Bylaws Committee.

11.3. The Executive Director shall not be removed during the term of office contract period except for just and reasonable cause. Reasonable cause may include, but not be limited to the following: immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge.

§127-1-12. Duties of the Executive Director.

12.1. The Executive Director shall carry on the work incident to the efficient functioning of the Commission. The general management and administration of the program of officiating for the interscholastic athletic activities sponsored by this Commission is considered a proper function of the

Commission.

12.1.a. The Executive Director shall be responsible for assigning general areas of responsibilities and directing the activities of the Assistant Executive Directors as such responsibilities relate to the work of the Commission.

12.1.b. Based on employee evaluations and/or employee performance, the Executive Director shall make the appropriate recommendation of the employment status of all other employees.

12.2. The Executive Director shall receive complaints and make investigations concerning the eligibility of member school students who participate in athletic and band activities. The Executive Director shall also receive complaints and make investigations concerning violations of the rules of the Commission.

12.3. The Executive Director shall render decisions and impose penalties in athletic eligibility and other disputes subject to review by the Board of Directors. The Executive Director shall have the discretion to grant exceptions to the rules based upon previous Board of Directors' decisions on cases of a similar nature. Appeals of rendered decisions by the Executive Director shall be filed within 30 days of the decision unless otherwise stated.

12.4. It shall be the duty of the Executive Director to make a full and complete written report to the county board of education or governing body regarding any disciplinary action taken by the Board of Directors against a member school which is located in the county in which the board of education or governing body has jurisdiction.

12.5. The Executive Director shall attend state meetings of the WVASSP and report, when requested by the principals, on the work of the Commission office.

12.6. The Executive Director shall attend the meetings, when practicable, of the National Federation of State High School Associations and bring meeting reports to the attention of the Commission and the Board of Directors.

12.7. The Executive Director shall devote full time to the work assigned by the Board of Directors. The Executive Director shall hold no other remunerative office or position and shall not officiate at any interscholastic contest.

12.8. The Executive Director shall represent West Virginia in conferences and controversies involving other states.

12.9. The Executive Director shall exercise all rights and privileges pertaining to eligibility and to representation with the National Federation of State High School Associations granted to members by the Board of Directors and principals by these regulations.

§127-1-13. Review Board.

13.1. A WVSSAC Review Board is hereby established.

13.1.a. The Review Board shall consist of seven members to be appointed by the WVBE upon

recommendation by the State Superintendent. No person, other than a county superintendent of schools, and a representative of the West Virginia Athletic Directors Association, shall be appointed or shall serve who is employed by the WVBE or any county board of education. All members of the Review Board shall be residents of the State of West Virginia.

13.1.b. Each of the following associations shall be requested to present three nominations to the State Superintendent for membership on the Review Board:

- 13.1.b.1. West Virginia Bar Association;
- 13.1.b.2. West Virginia Association of School Administrators;
- 13.1.b.3. West Virginia State Medical Association;
- 13.1.b.4. West Virginia Sportswriter Association;
- 13.1.b.5. West Virginia Athletic Directors Association; and
- 13.1.b.6. West Virginia Association of Retired School Employees.

13.1.c. Members of the Review Board need not be members of the association which submitted their names in nomination and shall be appointed for a term of five years. Prior to the expiration date of the term of each member of the Review Board, the respective association will nominate three representatives to the State Superintendent who shall subsequently recommend one to the WVBE.

13.1.d. The term of office of each member of the Review Board will begin upon the acceptance of the appointment and will expire on June 30 of the year in which the term expires.

13.1.e. The member with the shortest remaining tenure on the Review Board shall serve as its chairman. Each appointed member of the Review Board shall have equal voting privileges.

13.1.f. In the same manner as prescribed in §127-1-13.1.a through 13.1.c of this regulation, the WVBE shall have power to fill any vacancy which occurs in the membership of the Review Board. Such appointments shall be made at the next regular or called meeting of the WVBE following the existence of a vacancy, and shall be for the unexpired term of the position vacated.

13.1.g. Members of the Review Board shall serve without pay but shall be reimbursed for actual expenses incident to the performances of their duties upon presentation to WVBE an itemized sworn statement thereof. Costs shall be taxed by the Review Board at its discretion, not to exceed the actual expenses incurred, against the party who fails to prevail and the Review Board may, in its discretion, if it so desires, require any appealing party to post security for costs with the State Superintendent in the sum of \$200.

13.1.h. The Review Board will sit for hearings within a reasonable time after the aggrieved party having a matter for review files an appeal, but not longer than 30 days after such appeal is filed, and at such other times as the Review Board may determine, at the State Capitol in Charleston, or in such other place as the Chair of the Review Board may elect.

13.2. The WVDE shall make available adequate and competent secretarial services to record the proceedings and transactions of each meeting of the Review Board and to prepare the official written report, required in these regulations, on each decision rendered by the Review Board.

13.3. Any decision of the Board of Directors involving a penalty, protest, or interpretation of the rules and regulations of this Commission governing interscholastic athletic or band activities may be appealed to the Review Board in the manner hereinafter described. Such appeal may be made by any member of the aggrieved party directly affected by the decision of the Board of Directors and aggrieved by such decision of the Board of Directors.

13.3.a. Appeals must be filed with the State Superintendent within 15 days after any final decision of the Board of Directors of the WVSSAC.

13.3.b. Upon receipt of any appeal, the State Superintendent shall immediately notify each member of the Review Board of the appeal and the Chair of the Review Board shall set a date, time, and place for hearing and shall immediately notify all interested parties, in writing, of the same.

13.3.c. The filing of any appeal shall not stay enforcement nor act to supersede the prior ruling or decision of the Board of Directors. However, pending the hearing of any appeal, at its discretion, the Board of Directors may grant a stay of enforcement upon such terms as it deems proper.

13.4. Proceedings for review shall be instituted by filing a petition, and five copies of same, with the State Superintendent within 15 days after the date upon which such party received notice of the final order or decision of the Board of Directors. A copy of the petition shall be served upon the WVSSAC or its Executive Director and all other parties of record by registered or certified mail. The petition shall state whether the appeal is taken on questions of law or questions of fact, or both. No appeal bond shall be required to effect any such appeal.

13.4.a. Within 15 days after receipt of a copy of the petition by the WVSSAC, or its Executive Director, or within such further time as the Review Board may allow, the Commission or the Executive Director shall transmit to the Review Board, the original or a certified copy of the entire record of the proceedings under review, including a transcript of all testimony and all papers, motions, documents, evidence, and records as were before the Commission, all Commission staff memoranda submitted in connection with the case, and a statement of matters officially noted; but, by stipulation of all parties to the review proceedings, the record may be shortened. The expense of preparing such record shall be taxed as a part of the costs of the appeal. The appellant shall provide security for costs involved. Upon demand by any party to the appeal, the Commission shall furnish, at the cost of the party requesting same, a copy of such record. In the event the complete record is not filed with the Review Board within the time provided for in this section, the appellant may apply to the Review Board to have the case docketed, and the Review Board shall order such record filed. Failure of the Commission to file the record within the time stipulated shall automatically stay the enforcement of the order or decision of the Board of Directors, in that particular case, and such stay shall continue until such record is filed.

13.4.b. Appeals taken on questions of law, fact, or both, shall be heard upon assignment of error filed in the case or set out in the briefs of the appellant. Errors not argued by brief may be disregarded, but the Review Board may consider and decide errors which are not assigned or argued.

13.4.c. The review shall be conducted by the Review Board without a jury and shall be upon the

records made before the Commission, except that in cases of alleged irregularities in procedure before the Commission not shown in the record, testimony thereon may be taken before the Review Board. The Review Board may hear oral arguments and require written briefs.

13.5. After hearing all evidence and arguments, the Review Board shall render a decision in one of three forms:

13.5.a. Sustaining the ruling of the Board of Directors;

13.5.b. Reversing the ruling of the Board of Directors; or

13.5.c. Remanding the matter to the Board of Directors for further action.

13.5.c.1. The Review Board shall reverse, vacate, or modify the order or decision of the Board of Directors if the substantial rights of the petitioner or petitioners have been prejudiced because the administrative findings, inferences, conclusions, decisions, or orders are:

13.5.c.1.A. In violation of constitutional or statutory provisions;

13.5.c.1.B. In excess of the statutory authority or jurisdiction of the Commission;

13.5.c.1.C. Made upon unlawful procedures;

13.5.c.1.D. Affected by other error of law;

13.5.c.1.E. Clearly wrong in view of the reliable probative and substantial evidence on the whole record; or

13.5.c.1.F. Arbitrary or capricious, or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

13.5.c.2. Four members, present and eligible to vote, shall constitute a quorum for the Review Board to transact all business.

13.5.c.3. A majority vote of those members of the Review Board in attendance at any hearing shall be required to render a decision. Such decision shall be final and binding on all parties concerned.

13.5.c.4. Within 30 days from the date of any hearing, the Review Board shall make a written report of its decision, stating briefly therein its reasons for such a decision. Copies of the report shall be mailed to the State Superintendent, the Executive Director of the WVSSAC and, upon written request, to other interested parties.

13.6. Nothing in these regulations shall be construed to limit the Board of Directors in performing its regular duties as provided in the regulations of the WVSSAC; in making investigations and initiating proceedings against any member of the Commission; in making interpretations of the rules of eligibility of student athletes or band members; or in imposing penalties for the violations of any rules, regulations, or bylaws of the Commission.

13.6.a. §127-1-8.5, and §127-6-3.2, *Violation of the Rules*, infer or state that decisions of the Board of Directors are final and are hereby modified only to the extent that such final ruling of the Board of Directors may be appealed within the time limit in the manner prescribed elsewhere in these regulations and affirmed, reversed, or remanded by the Review Board.

§127-1-14. Rules and Regulations.

14.1. The constitution and bylaws of the WVSSAC are the rules and regulations of the Commission.

§127-1-15. Board of Trustees.

15.1. The Board of Directors shall appoint a five member Board of Trustees. Each trustee shall be a principal of a member school and shall serve at the will and pleasure of the Board of Directors. Two or more members serving as principals of secondary schools located in the same administrative district shall be ineligible to serve as trustees at the same time.

15.2. The Board of Trustees and their lawfully appointed successors shall hold title to all real estate and other property owned by the WVSSAC except as shall be directed otherwise by the Board of Control.

15.3. The Board of Trustees shall elect from the membership thereof, to hold office for a term of one year or until a successor shall be elected, a Chair and, if need requires, a Vice-Chair, Secretary and Treasurer.

15.4. The Board of Trustees shall serve without pay or honorarium.

15.5. If it so elects, the Board of Control shall direct the Board of Trustees to incorporate in accordance with the pertinent laws of West Virginia and in such manner as will fully protect and exempt from any and all legal liability the individual officers and members, jointly and severally, of the WVSSAC for an account of the debts and other obligations of every kind and description of the Commission.

15.6. Should a trustee withdraw from membership of the Commission or be excluded therefrom, that trusteeship therein shall automatically cease from the date of such withdrawal or exclusion.

15.7. Should a trustee refuse, within five days from the receipt thereof, to execute a legal instrument relating to any property of the Commission, when directed to do so by the Board of Control or the Board of Directors, and when all legal requirements have been satisfied with reference to execution, the Board of Directors may declare that membership on the Board of Trustees vacated.

15.8. The Board of Control and/or the Board of Directors may direct the trustees with respect to the purchase, sale, mortgage, encumbrance, construction, repairing, remodeling and maintenance of any and all property, real and personal, as may be committed to the trustees by the Board of Control or Board of Directors.

**West Virginia Secondary School Activities Commission (WVSSAC)
Series 1, Constitution**

COMMENT PERIOD ENDS: June 13, 2022

COMMENT RESPONSE FORM

NOTICE: *Comments, as submitted, shall be filed with the West Virginia Secretary of State's Office and open for public inspection and copying for a period of not less than five years.*

The following form is provided to assist those who choose to comment on WVSSAC Series 1, Constitution. Additional sheets may be attached, if necessary.

Name: _____ Organization: _____

Title: _____

City: _____ State: _____

Please check the box below that best describes your role.

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> County Board Member | <input type="checkbox"/> Professional Support Staff | <input type="checkbox"/> Service Personnel | <input type="checkbox"/> Higher Education |
| <input type="checkbox"/> Superintendent | <input type="checkbox"/> Principal | <input type="checkbox"/> Parent/Family | <input type="checkbox"/> Legislator |
| <input type="checkbox"/> Central Office Staff | <input type="checkbox"/> Teacher | <input type="checkbox"/> Community Member | <input type="checkbox"/> Other |

COMMENTS/SUGGESTIONS
§127-1-9. Funds.

Please direct all comments to:
Mr. Bernie Dolan, Executive Director
West Virginia Secondary School Activities Commission
2875 Staunton Turnpike
Parkersburg, West Virginia 26104
Telephone No.: (304) 485-5494
Fax No.: (304) 428-5431
bernie.dolan@wvssac.org